

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: John C. Rayson, Town Attorney, (954) 566-8855

PREPARED BY: Town Attorney

SUBJECT: Ordinance first reading

AFFECTED DISTRICT: Townwide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING MOBILE HOME RELOCATION ASSISTANCE, DEVELOPER'S RIGHTS AND RESPONSIBILITIES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS INCONSISTENT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading April 16, 2008. All voted in favor}

REPORT IN BRIEF: The following Ordinance was prepared by the Town Attorney as directed by the Town Council.

PREVIOUS ACTIONS: Discussed under old business at Town Council Meeting 4-2-08. Vote to proceed to first reading.

CONCURRENCES: N/A

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Passage on first reading at Town Council meeting of April 16, 2008.

Attachment(s): Ordinance prepared by Town Attorney

TOWN OF DAVIE

Ordinance 2008- _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING MOBILE HOME RELOCATION ASSISTANCE; DEVELOPERS RIGHTS AND RESPONSIBILITIES; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS INCONSISTENT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie declared an affordable housing crisis on December 20, 2006; and

WHEREAS, the Town Council enacted a one-year moratorium on the redevelopment of mobile home parks from February 21, 2007 through February 21, 2008 and an extension from February 21, 2008 through May 21, 2008 at which time the moratorium shall be repealed; and

WHEREAS, the Town Council created a Mobile Home Task Force of stakeholders to study issues surrounding redevelopment of mobile home parks and make recommendation regarding same; and

WHEREAS, a housing needs assessment was completed showing that the Town of Davie contains 27% of the mobile home units in Broward County, Florida while containing only 4% of the County's total housing and that while the number of single-family homes, townhomes and multi-family units have risen sharply, the number of mobile home units is rapidly decreasing; and

WHEREAS, pursuant to Florida Statute, the Town of Davie has the authority to ordain Mobile Home Relocation Assistance; and

WHEREAS, the Town Council finds the adoption of this ordinance is in the best interests of the Town and complies with applicable Florida law.

WHEREAS, the Town Council finds that enactment of this Ordinance furthers the objectives, goals and policies of the Town's Comprehensive Plan.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, that:

Section 1. PURPOSE. The purpose of this article is to establish guidelines and criteria for a mobile home relocation assistance program.

Section 2. REQUIREMENTS FOR MOBILE HOME RELOCATION ASSISTANCE

A relocation report and plan shall describe how the mobile home park owner intends to comply with Town, County and State legislation relating to mobile home relocation assistance. The relocation report and plan must provide that the mobile home park owner will assist each mobile home park tenant household to relocate; however, no funds shall be required of the mobile park owner other than those presently set by state or federal laws, settlement agreement, voluntary payment or payments made into the affordable housing trust fund pursuant to Davie ordinance _____. Such assistance must include providing tenants an inventory of relocation resources, referring tenants to alternative public and private subsidized housing resources and helping tenants obtain and complete necessary application forms for state or federal required relocation assistance including payment from the State Mobile Home Relocation Trust Fund. Further, the relocation report and plan shall contain the following information:

1. Copies of all lease or rental agreement forms the mobile home park owner currently has in place with mobile home park tenants.
2. An inventory of relocation resources including available mobile home spaces in a radius of 5 miles of Davie.
3. Actions the mobile home park owner will take to refer mobile home park tenants to alternative public and private subsidized housing resources.
4. The mobile home park owner will provide information as to how to assist mobile home park tenants to best move the mobile homes from the mobile home park.
5. Other actions the owner will take to minimize the hardship mobile home park tenant households suffer as a result of the closure or conversion of the mobile home park.
6. A statement of the anticipated timing for park closure.

The Town Administrator or his designee may require the mobile home park owner to designate a relocation coordinator to administer the provisions of the relocation report and plan and work with the mobile home park tenants. The Town Administrator or his designee will confer with such relocation coordinator to ensure compliance with the relocation report and plan and with state and federal laws governing mobile home park relocation assistance, eviction notification, and landlord/tenant responsibilities.

The park owner shall make available to any mobile home park tenant residing in the mobile home park copies of the proposed relocation report and plan. Within 21 days of submittal to the Town Administrator or his designee of the relocation report and plan, a copy of the approved relocation report and plan shall be mailed by the owner to each mobile home park tenant.

The mobile home park owner shall notify The Town Administrator or his designee of major changes to the relocation plan.

No mobile home park owner may obtain final approval of a comprehensive plan or zoning redesignation until the mobile home park owner obtains a certificate of

completion from the Town Administrator or his designee. The Town Administrator or his designee shall issue a certificate of completion when the owner has complied with the provisions of this ordinance.

Section 3. SEVERABILITY CLAUSE.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. MONITORING AND REVIEW.

The Town Administrator or his designee shall monitor the implementation of this provision. On or before October 1 of each calendar year, the Town Administrator shall present a status report to the Town Council on the implementation of this article.

Section 5. REVIEW BY THE DAVIE TOWN COUNCIL.

One (1) year after the adoption of this ordinance, the Town Council shall review its implementation and effectiveness.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2008

PASSED ON SECOND READING THIS ____ DAY OF _____, 2008

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2008